

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA      :
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                                :      05-cr-538-02 (JSR)
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SHAWN PETERKIN,               :      ORDER
                                :
                                :
Defendant.                    :
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JED S. RAKOFF, U.S.D.J.

On December 29, 2023, the Court denied defendant Shawn Peterkin's *pro se* motion seeking a reduction of his sentence pursuant to 18 U.S.C. § 3582(c)(1)(A). The Court's denial was entered on the docket on January 2, 2024. See Dkt. 243. The defendant has submitted a motion to extend the deadline file a notice of appeal of that denial, which will be docketed concurrently herewith. The motion explains that the defendant did not learn of the Court's denial of his motion for sentence reduction until early February 2024. In addition to requesting an extension of the deadline, the motion also asks that it be treated as a notice of appeal itself.

The Court finds that the defendant has shown excusable neglect in failing to file a timely notice of appeal and that good cause exists to extend the deadline to file a notice of appeal. Accordingly, pursuant to Federal Rule of Appellate Procedure 4(b)(4), the Court hereby grants a 30-day extension of the deadline to file a notice of appeal prescribed by Rule 4(b), making the new

deadline February 15, 2024.¹ Because the defendant is in custody, and his motion and notice of appeal were apparently postmarked February 12, 2024, his notice of appeal is therefore deemed timely. See Fed. R. App. P. 4(c).

SO ORDERED.

Dated: New York, NY
February 13, 2024


JED S. RAKOFF, U.S.D.J.

¹ The motion incorrectly cites Federal Rule of Appellate Procedure 4(a)(6), which exclusively concerns civil appeals. However, given defendant's *pro se* status, the Court will treat his application as a request pursuant to Rule 4(b)(4).